

Oil," borne on the cans contained in one shipment thereof, regarding the said article and the ingredients and substances contained therein, were false and misleading in that they represented that the said cans contained one full gallon, one full half gallon, one full quarter gallon, or one full eighth gallon of the article, as the case might be, and that the said shipment consisted of olive oil, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said cans contained one full gallon, one full half gallon, one full quarter gallon, or one full eighth gallon of the article, as the case might be, and that the said shipment consisted of olive oil, whereas, in fact and in truth, each of said cans did not contain the amount so declared on the labels but did contain a less amount, and the said shipment did not consist of olive oil but was a mixture composed in whole or in part of an oil other than olive oil.

Misbranding was alleged with respect to all of the said product for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 12, 1923, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$300.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11435. Adulteration and misbranding of cherry emulsion, grape emulsion, strawberry emulsion, and pineapple emulsion. U. S. v. Morris H. Caro (Caro Flavoring Co.). Plea of guilty. Fine, \$40. (F. & D. No. 17066. I. S. Nos. 6783-t, 6784-t, 6785-t, 6786-t.)

On March 27, 1923, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against Morris H. Caro, a member of a partnership trading as Caro Flavoring Co., Washington, D. C., alleging shipment by said defendant, in violation of the Food and Drugs Act, from the District of Columbia into the State of Massachusetts, on or about February 4, 1922, of a quantity of cherry emulsion and of a quantity of grape emulsion, and on or about February 9, 1922, of a quantity of strawberry emulsion and of a quantity of pineapple emulsion, all of which were adulterated and misbranded. The articles were labeled in part: "Caro Flavoring Co. H. & H. Brand One Quart Cherry Emul (Wild)" (or "Grape Emulsion" or "Strawberry Emulsion" or "Pineapple Emulsion") "* * * Washington, D. C."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that they consisted principally of citric acid and gum with the additional ingredient, in the case of the grape emulsion, of glycerin. They were colored with coal-tar dyes and artificially flavored. No natural odor of the true fruit could be detected.

Adulteration of the articles was alleged in the information for the reason that imitation emulsions consisting chiefly of citric acid and gum or of citric acid, gum, and glycerin, in the case of the grape emulsion, and having little, if any, odor or flavor of natural fruit, had been substituted in whole or in part for wild cherry emulsion, grape emulsion, strawberry emulsion, or pineapple emulsion, as the case might be, which the said articles purported to be. Adulteration was alleged for the further reason that the articles were inferior to wild cherry emulsion, grape emulsion, strawberry emulsion, or pineapple emulsion, as the case might be, to wit, imitation emulsions consisting chiefly of citric acid and gum and having little, if any, flavor or odor of natural fruit, and the said articles were colored with certain coal-tar dyes, to wit, amaranth, in the case of the wild cherry emulsion and the strawberry emulsion, amaranth and indigo carmine, in the case of the grape emulsion, and fartrazine, in the case of the pineapple emulsion, so as to simulate the appearance of wild cherry emulsion, grape emulsion, strawberry emulsion, or pineapple emulsion, as the case might be, and in a manner whereby their inferiority to said articles was concealed.

Misbranding was alleged for the reason that the statements, to wit, "Cherry Emul (Wild)," "Grape Emulsion," "Strawberry Emulsion," and "Pineapple Emulsion," borne on the labels attached to the bottles containing the respective articles, regarding the said articles and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the articles were, to wit, wild cherry emulsion, grape emulsion, strawberry emulsion, or pineapple emulsion, as the case might be, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they were, to wit, wild cherry

emulsion, grape emulsion, strawberry emulsion, or pineapple emulsion, as the case might be, whereas, in truth and in fact, they were not but were imitation emulsions consisting chiefly of citric acid and gum or of citric acid, gum, and glycerin, in the case of the so-called grape emulsion, which had little, if any, odor or flavor of natural fruit. Misbranding was alleged for the further reason that the articles were products consisting chiefly of citric acid and gum or citric acid, gum, and glycerin, in the case of the so-called grape emulsion, which had little, if any, flavor or odor of natural fruit, prepared in imitation of wild cherry emulsion, grape emulsion, strawberry emulsion, or pineapple emulsion, as the case might be, and were offered for sale and sold under the distinctive names of such other articles.

On March 27, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$40.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11436. Adulteration and misbranding of currant jelly, apple jelly, and raspberry jelly. U. S. v. 10 Kits of Currant Jelly, et al. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 17102. I. S. Nos. 7635-v, 7636-v, 7637-v. S. No. W-1267.)

On or about January 27, 1923, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 kits of currant jelly, 5 kits of apple jelly, and 4 kits of raspberry jelly, remaining unsold in the original unbroken packages at Denver, Colo., consigned by the Bliss Syrup Refining Co., Kansas City, Mo., alleging that the articles had been shipped on or about November 11, 1922, and transported from the State of Missouri into the State of Colorado, and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Currant" (or "Apple" or "Rasp.") "* * * Bliss Jel Bakers Jelly Composed of Apple Juice and Corn Syrup Vegetable Color—Trace, Added Phosphate—Trace Bliss Syrup Refining Co. Kansas City."

Adulteration of the articles was alleged in substance in the libel for the reason that substances composed of pectin, glucose, and phosphoric acid, which in the case of the currant jelly and raspberry jelly were colored with coal-tar dye, had been mixed and packed with and substituted wholly or in part for the said articles. Adulteration was alleged for the further reason that the said currant jelly and the raspberry jelly were colored in a manner whereby inferiority was concealed.

Misbranding of the articles was alleged in substance for the reason that the statements, "Currant" (or "Apple" or "Rasp.") "* * * Bliss Jel Bakers Jelly Composed of Apple Juice and Corn Syrup Vegetable Color—Trace, Added Phosphate—Trace," borne on the labels of the kits containing the respective products, were false and misleading and deceived and misled the purchaser.

On March 27, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11437. Adulteration of canned salmon. U. S. v. 245 Cases of Canned Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17275. I. S. No. 5848-v. S. No. C-3888.)

On February 9, 1923, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 245 cases of canned salmon at Houston, Tex., alleging that the article had been shipped by the G. Batcheller [Batcheller] Hall Co., Seattle, Wash., on or about October 11, 1922, and transported from the State of Washington into the State of Texas, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Halls Select Brand Pink Salmon Made in U. S. A. * * * G. Batcheller Hall Co. Distributor, Seattle, Washington."

Adulteration of the article was alleged in the libel for the reason that it was filthy, decomposed, and putrid.

On April 9, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*